

STATEHOOD BILL.

JUNE 2, 1906.—Ordered to be printed.

Mr. HAMILTON, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 12707.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12707) "to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 37 and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 39, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, inclusive, and agree to the same, with an amendment as follows: In lieu of the amended section insert the following:

Sec. 2. That all male persons over the age of twenty-one years who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State, and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be one hundred and eleven in number, fifty-five of whom shall be elected by the people of the Territory of Oklahoma and fifty-five by the people of Indian Territory, and one shall be elected by the electors residing in the Osage Indian Reservation in the Territory of Oklahoma; and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall apportion the Territory of Oklahoma into fifty-five districts, as nearly equal in population as may be,

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onment shall not include the Osage Indian Reservation, the Osage Indian Reservation shall constitute one election district, the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commissioner who shall establish precincts in said Osage Indian Reservation, and shall appoint judges for election in said Osage Reservation; and the commissioner to the United States Civilized Tribes, and two judges of the United States courts for Indian Territory, to be designated by the President, shall constitute a board, which shall apportion the said Indian Territory into fifty-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts; and the governor of said Oklahoma Territory, together with the judge senior in service of the United States courts in Indian Territory, shall, by proclamation in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in said proposed State at a time designated by them within six months after the approval of this Act, which proclamation shall be issued at least sixty days prior to the time of holding said election of delegates. The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this Act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: Provided, however, That said board to apportion districts in Indian Territory shall, for the purpose of said election, appoint an election commissioner for each district who shall distribute all ballots and election supplies to the several precincts in his district, receive the election returns from the judges in precincts, and deliver the same to the canvassing board therein named, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast, to the election commissioner for said district, who shall deliver said returns, poll books, and ballots to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates: Provided further, That in said Indian Territory and Osage Indian Reservation, nominations for delegate to said constitutional convention may be made by convention by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory

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shall be filed with the districting and canvassing board, who shall perform the duties of election commissioner under said laws, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws. The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma, and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: Provided, however, That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period.

And the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out "or in which the United States maintained laws prohibiting the traffic in intoxicating liquors;" and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

Where any part of the lands granted by this Act to the State of Oklahoma are valuable for minerals, which term shall also include gas and oil, such lands shall not be sold by the said State prior to January first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: Provided, however, That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith.

And the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

Sec. 23. That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona and New

Mexico, as at present described, may become the State of Arizona, as hereinafter provided.

Sec. 24. That all qualified electors of said Territories, respectively, as described in this Act, are hereby authorized to vote for and choose delegates to form a convention for said Territories; such delegates shall possess the qualifications of such electors. The aforesaid convention shall consist of one hundred and ten delegates, sixty-six of which delegates shall be elected to said convention by the people of the Territory of New Mexico and forty-four by the people of the Territory of Arizona; and the governors, chief justices, and secretaries of each of said Territories, respectively, shall apportion the delegates to be thus elected from their respective Territories, as nearly as may be, equitably among the several counties thereof in accordance with the population as shown by the Federal census of nineteen hundred; and such governors, respectively, shall, within twenty days after the approval of this Act by the President of the United States, by proclamation, in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in their respective Territories, to be held on the fifth Tuesday after the approval of this Act as aforesaid; and the proper officials, as now provided by law in each of said Territories, respectively, shall immediately upon the approval of this Act make, or cause to be made, as the case may be, in time for the election, a supplemental or general registration, as may be necessary, of the male citizens of the United States over the age of twenty-one years who shall have resided in said Territories, respectively, for six months, in the county for ninety days, and in the precinct, ward, or election district where they are to vote thirty days next preceding the date fixed for said election, whose names shall be placed upon or added to the great registers, or registration lists, as the case may be, exhibiting the names of the qualified voters of said Territories, respectively. And the persons so qualified shall be entitled to be so registered and to vote for delegates to the constitutional convention. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territories, respectively, regulating elections therein of members of the legislature, save that not more than two judges of each of the election boards holding elections under this Act shall be of the same political party: Provided, That the secretary, or other proper officer, of the Territory of Arizona, into whose hands the result of said election in the Territory of Arizona finally comes, shall immediately transmit and certify the same to the secretary of the Territory of New Mexico, at Santa Fe. Persons possessing the qualifications entitling them to vote for delegates to the constitutional convention under this Act shall be entitled to vote on the ratification or rejection of the constitution submitted to the people of said Territories hereunder, and on the election of all officials whose election is taking place at the same time, under such rules or regulations as said convention may prescribe, not in conflict with this Act: Provided, That said registration lists shall answer for both or all such elections.

Sec. 25. That the delegates to the convention thus elected shall meet in the hall of the house of representatives of the Territory of New Mexico, in the city of Santa Fe therein, on the second Monday after their election, but they shall not receive compensation for more than thirty days of service, and after organization shall declare on behalf of

the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any Act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such Act of Congress may prescribe.

Third. That the debts and liabilities of said Territory of Arizona and of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which either of said Territories now has.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: Provided, That nothing in this Act shall preclude the teaching of other languages in said public schools.

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to anno Domini nineteen hundred and fifteen, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

Sec. 26. That in case a constitution and State government shall be formed in compliance with the provisions of this Act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection, at an election to be held on the sixth day of November, nineteen hundred and six, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this Act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this Act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of New Mexico to the State authorities.

Sec. 27. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, and also all other State and county officers, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the Territorial officers of said Territories, respectively, including delegates to Congress, shall continue to discharge the duties of their respective offices in said Territories until their successors are duly elected and qualified.

Sec. 28. That upon the admission of said State into the Union there is hereby granted unto it, including the sections thereof heretofore granted, four sections of public land in each township in the proposed State for the support of free public nonsectarian common schools, to wit: Sections numbered thirteen, sixteen, thirty-three, and thirty-six,

and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any Act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken; such indemnity lands to be selected within said respective portions of said State in the manner provided in this Act: *Provided*, That the thirteenth, sixteenth, thirty-third, and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subject to the grants nor to the indemnity provisions of this Act, but other lands equivalent thereto may be selected for such school purposes in lieu thereof; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this Act, but such reservation lands shall be subject to the indemnity provision of this Act: *Provided*, That nothing in this Act contained shall repeal or affect any Act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended, or the power of the United States over it, or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this Act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law, but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin, or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State; and said lands shall not be subject at any time to the school grants of this Act that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin, as now defined or may be hereafter defined; but other lands equivalent thereto may be selected for such school purposes hereinbefore provided in lieu thereof.

Sec. 29. That three hundred sections of the unappropriated nonmineral public lands within said State, to be selected and located in legal subdivisions, as provided in this Act, are hereby granted to said State for the purpose of erecting legislative, executive, and judicial public buildings in the same, and for the payment of the bonds heretofore or hereafter issued therefor.

Sec. 30. That the lands granted to the Territory of Arizona by the Act of February eighteenth, eighteen hundred and eighty-one, entitled "An Act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the proposed State to the extent of the full quantity of seventy-five sections, and any portion of said lands that may not have been selected by said Territory of Arizona may be selected by the said State. In addition to the foregoing, and in addition to all lands heretofore granted for such purpose, there shall be, and hereby is, granted to said State, to take effect when the same is admitted to the Union, three hundred sections of land, to be selected from the public domain within said State in the same manner as provided in

this Act, and the proceeds of all such lands shall constitute a permanent fund, to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this Act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

Sec. 31. That nothing in this Act shall be so construed, except where the same is so specifically stated, as to repeal any grant of land heretofore made by any Act of Congress to either of said Territories, but such grants are hereby ratified and confirmed in and to said State, and all of the land that may not, at the time of the admission of said State into the Union, have been selected and segregated from the public domain, may be so selected and segregated in the manner provided in this Act.

Sec. 32. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid. Said appropriation of five million dollars shall be held inviolable and invested by said State, in trust, for the use and benefit of said schools.

Sec. 33. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and such common school land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

Sec. 34. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the Act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the Act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit:

For the establishment and maintenance and support of insane asylums in the said State, two hundred thousand acres; for penitentiaries, two

hundred thousand acres; for schools for the deaf, dumb, and the blind, two hundred thousand acres; for miners' hospitals for disabled miners, one hundred thousand acres; for normal schools, two hundred thousand acres; for State charitable, penal, and reformatory institutions, two hundred thousand acres; for agricultural and mechanical colleges, three hundred thousand acres: Provided, That the two national appropriations heretofore annually paid to the two agricultural and mechanical colleges of said Territories, respectively, shall, until the further order of Congress, continue to be paid to said State for the use of said respective institutions; for schools of mines, two hundred thousand acres; for military institutes, two hundred thousand acres.

Sec. 35. That all lands granted in quantity or as indemnity by this Act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said State, by a commission composed of the governor, surveyor-general, and attorney-general of said State; and no fees shall be charged for passing the title to the same or for the preliminary proceedings thereof.

Sec. 36. That all mineral lands shall be exempted from the grants made by this Act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State, by the commission provided for in section thirty-five hereof, under the direction of the Secretary of the Interior, is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof.

Sec. 37. That the said State, when admitted as aforesaid, shall constitute two judicial districts, to be named, respectively, the eastern and western districts of Arizona, the boundaries of said districts to be the same as the boundaries of said Territories, respectively, and the circuit and district court of said districts shall be held, respectively, at Albuquerque and Phoenix for the time being, and the said districts shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at said Albuquerque and Phoenix in said State. The regular terms of said courts shall be held in said districts, at the places aforesaid, on the first Monday in April and the first Monday in November of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compen-

sation now allowed by law to officers performing similar services for the United States in the Territories of Arizona and New Mexico, respectively.

Sec. 38. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of said Territories, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the limits of embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of the said Territories mentioned in this Act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union.

Sec. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this Act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: Provided, however, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

Sec. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including

members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution; one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this Act. In case the constitution of said State shall be ratified by a majority of the legal voters in each of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this Act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of said Territories in force at the time of their admission into the Union shall be in force in the respective portions of said State until changed by the legislature of said State, except as modified or changed by this Act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said States as elsewhere within the United States.

Sec. 41. That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and conventions provided for in this Act; that is, the payment of the expenses of registration and holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: Provided, That any expense incurred in excess of said sum of one hundred and fifty thousand dollars shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona and in the present Territory of New Mexico, through the respective secretaries of said Territories, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this Act.

Amend the title so as to read:

An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into

the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

E. L. HAMILTON,
A. L. BRICK.

I agree to the above recommendations except as to amendment numbered 40; on this amendment I disagree.

JOHN A. MOON,
Managers on the part of the House.

ALBERT J. BEVERIDGE,
WM. P. DILLINGHAM.

I agree to the above and foregoing recommendations except as to amendment numbered 40; and as to said amendment I disagree.

T. M. PATTERSON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12707, to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona and New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

The House recedes from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14, and agree to the same with amendments, to the effect that the delegates to a constitutional convention of the proposed state of Oklahoma shall be 111—55 to be elected by the people of the Territory of Oklahoma, 55 by the people of the Indian Territory, and 1 from the Osage Indian Reservation—with a provision for establishing voting precincts in said Osage Reservation for that purpose, and also provisions for districts in Oklahoma Territory, except the Osage Reservation, and for districts in the Indian Territory from which such delegates to said constitutional convention shall be elected.

The House recedes from its disagreement to the amendment of the Senate numbered 15 and agrees to the same. This amendment is a provision similar in character to the House provisions on the same subject, and provides in detail the election machinery for the election of all delegates to the constitutional convention and for laws governing the same.

The House recedes from its disagreement to the amendment of the Senate numbered 16, and agrees to the same with an amendment to the effect that the capital of the proposed State of Oklahoma shall temporarily remain at Guthrie and not be changed therefrom till after 1913, and provides that no State moneys shall be appropriated for the erection of public buildings there for capital purposes during that period, except as shall be necessary for the convenient transaction of public business of the State at said capital.

That the House recede from its disagreement to the amendment of the Senate numbered 17 and agree to the same with an amendment which does no more than to change the words of the original House text, without any change in the effect of the House provision.

The House recedes from its disagreement to the Senate amendments numbered 18, 21, and 22, and agrees to the same. These are all verbal changes and additions of words without altering the intended effect of the House bill.

The House recedes from its disagreement to the amendments of the Senate numbered 19 and 20 and agree to the same. These amendments provide for the sale and use of alcohol in the part of the proposed State now covered by Indian Territory and in certain Indian reservations in Oklahoma by apothecaries, to be used by them in compounding medicines, and regulates its use by them and provides for a bond that it shall not be used for other purposes.

The House recedes from its disagreement to Senate amendment numbered 26, which is a slight and immaterial change as to the time of payments of interest on State funds.

The House recedes from its disagreement to the Senate amendment numbered 27, and agrees to the same with an amendment which eliminates all of said Senate amendment numbered 27 and provides by an amendment that all State lands valuable for minerals, including gas and oil, shall not be sold by the State of Oklahoma prior to 1915, but that such lands may be leased for mineral purposes for periods not to exceed five years, which leasing must be made by public competition, advertised for not less than thirty days, under sealed bids, and awarded to the highest responsible bidder, who shall pay a fixed royalty in addition to the bonus offered in his bid, such leases not to be transferred without consent in writing by the proper officer of the State; and that an agricultural lessee of such mineral lands shall be reimbursed by the mining lessee for all damage done to his leasehold interest by such mining operations. The legislature of the State may legislate upon the subject, not in conflict with this act.

The House recedes from its disagreement to the amendment of the Senate numbered 28, which is a slight and immaterial verbal change explanatory of text.

The House recedes from its disagreement to the amendments of the Senate numbered 29, 30, 31, 32, 33, and 34, and agree to the same.

These amendments add Tulsa and Chickasha to the court towns provided for in the House bill, and arrange for terms of court to be held at such additional places.

The House recedes from its disagreement to the amendments of the Senate numbered 35 and 36. These are verbal changes merely and do not change the intent of the House provision in relation to the fees of officers of the Federal courts, which is the subject of the clause amended.

The Senate recedes from its amendments numbered 37 and 38, leaving the House bill unaltered in the matter to which such amendments relate.

The House recedes from its disagreement to the amendment of the Senate numbered 39, and agrees to the same.

This amendment provides that the Osage Indian Reservation shall be and remain one county until its lands are allotted in severalty, and, further, until changed by the legislature of Oklahoma.

The House recedes from its disagreement to the amendment of the Senate numbered 40, and agrees to the same with an amendment, to which the Senate agrees, and which amendment agreed to reinstates the original text of the House bill on the subject of statehood for Arizona and New Mexico, with certain changes to the effect as follows:

The House bill provides that thirty days after the approval of this act the President shall order an election of delegates to a constitutional convention. This has been changed to twenty days on account of the shortness of time caused by delay in this legislation, and for

the same reason the election of delegates, which was fixed in the original House bill on the tenth Tuesday following the approval of this act, is changed by this agreement to the fifth Tuesday. For the same reason the time of holding the constitutional convention has been changed from the fifth Monday after the election of delegates to the second Monday, and instead of receiving compensation for not more than sixty days' service the delegates can receive compensation for not more than thirty days' service.

A further change of the House bill on this subject has been made which requires an election to be held for the adoption or rejection of the constitution on November 6, 1906, and that if a majority of each of said Territories shall be for the constitution, then and in that event statehood shall be perfected by the proclamation of the President, as provided by the original House bill; otherwise not.

This change from the original House bill, which finds force and effect in these words of the conferees' agreement referred to, to wit, "and if a majority of the legal votes cast on that question in each of said Territories shall be for the constitution," then statehood shall be perfected, means that if the majority of the voters of either Arizona or New Mexico shall vote to reject, then there shall be no statehood and each of these Territories shall be left in statu quo; but if a majority of both these Territories shall vote at said election to ratify the constitution, then they will be perfected into statehood under the name of Arizona under the provisions of the bill.

The other provisions of the conferees' amendment agreed to, relative to the subject of statehood for Arizona and New Mexico, designated as No. 40, follow the original provisions of the House bill with a few immaterial changes.

E. L. HAMILTON,

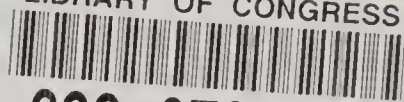
A. L. BRICK,

JOHN A. MOON,

Managers on the part of the House.

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